

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DAVITA M. KEY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACT. NO. 2:19-cv-767-ECM
)	
DYNAMIC SECURITY, INC.)	
)	
Defendants.)	

PROPOSED VERDICT FORM

Special Interrogatories to the Jury:

Do you find by the greater weight of the evidence that:

1. Plaintiff engaged in protected activity by making a complaint of discrimination because of her race?

Answer Yes ____ No ____

If your answer above is “No,” this ends your deliberations and you must find in favor of Defendant Dynamic Security, Inc. If your answer above is “Yes,” then go to the next question.

2. Plaintiff had a good faith and reasonable belief that she was discriminated against due to her race?

Answer Yes ____ No ____

If your answer above is “No,” this ends your deliberations and you must find in favor of Defendant Dynamic Security, Inc. If your answer above is “Yes,” then go to the next question.

3. Plaintiff was involuntarily terminated by Defendant?

Answer Yes ____ No ____

If your answer above is “No,” this ends your deliberations and you must find in favor of Defendant Dynamic Security, Inc. If your answer above is “Yes,” then go to the next question.

4. The individual(s) who made the decision to terminate Plaintiff were aware of Plaintiff’s complaints of race discrimination and of the reason Plaintiff considered her complaints to be about race discrimination?

Answer Yes ____ No ____

If your answer above is “No,” this ends your deliberations and you must find in favor of Defendant Dynamic Security, Inc. If your answer above is “Yes,” then go to the next question.

5. Plaintiff’s complaint about race discrimination was the “but for” cause of Defendants termination of Plaintiff’s employment?

Answer Yes ____ No ____

If your answer above is “No,” this ends your deliberations and you must find in favor of Defendant Dynamic Security, Inc. If your answer above is “Yes,” then go to the next question.

6. Defendant's legitimate, non-retaliatory reason(s) for terminating Plaintiff was pretext for unlawful retaliation?

Answer Yes _____ No _____

If your answer above is "No," this ends your deliberations and you must find in favor of Defendant Dynamic Security, Inc. If your answer above is "Yes," then go to the next question.

Damages

7. That Plaintiff is entitled to damages for back wages? If you find that Plaintiff is entitled to damages, please enter the amount of back wages and benefits Plaintiff lost from termination until the date of your verdict, less Plaintiff's earnings and benefits between the date of termination until the date of your verdict:

		Lost wages from date of termination until Verdict
+		Lost benefits from date of termination until Verdict
=		Total lost wages and benefits
-		Less earnings and benefits received from date of termination to Verdict.
=		Total Net Lost Wages and Benefits until Verdict.

If you entered an amount greater than zero, go to question no. 8. If you entered no amount, go to question no. 10.

8. Do you find by the greater weight of evidence that Plaintiff failed to mitigate her damages as required by law, that is, Plaintiff failed to seek out or take advantage of an opportunity that was available to her?

Answer Yes ____ No ____

If your answer above is “No,” go to question 10. If your answer above is “Yes,” then go to the next question.

9. What is the amount Plaintiff’s damages should be reduced for failing to seek out or take advantage of an opportunity available to her?

\$ _____.

If you entered an amount greater than zero, then subtract that amount from the total net lost wages and benefits until verdict and go to question 10. If you entered no amount, go to question 10.

_____ Total Net Lost Wages and Benefits until
Verdict

- _____ Less amount Plaintiff’s damages should be
reduced for failing to seek out or take advantage of an opportunity available to her.

= _____ Total Net Lost Wages and Benefits until
Verdict.

10. That Davita Key should be awarded damages to compensate for emotional pain and mental anguish?

Answer Yes or No
If your answer is “Yes,”
in what amount? \$

If you did not award damages in response to Question Nos. 7 through 10, this will end your deliberations, and your foreperson should go to the end of this verdict form to sign and date it. If you awarded damages in response to Question Nos. 7 through 10, go to the next question.

11. That punitive damages should be assessed against Dynamic Security, for acting with malice, an evil motive, recklessness or callous indifference to a federally protected right?

Answer Yes or No

If your answer is "Yes," _____
in what amount? \$ _____

So Say We All. _____

Foreperson's Signature

Date:

Respectfully submitted,

/s/ Wesley C. Redmond

Wesley C. Redmond

Susan W. Bullock

FordHarrison LLP

420 20th Street North, Suite 2560

Birmingham, AL 35203

wredmond@fordharrison.com

Phone: 205-244-5905

sbullock@fordharrison.com

Phone: 205-244-5904

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on 26th day of March, 2023, he electronically filed a true and correct copy of the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to:

Heather Leonard
Heather Leonard, P.C.
2105 Devereaux Cir., Suite 111
Birmingham, AL 35243

Leslie A. Palmer, LLC
Palmer Law, LLC
104 23rd Street South, Suite 100
Birmingham, AL 35233

Counsel for Plaintiff

/s/Wesley C. Redmond
Wesley C. Redmond

WSACTIVE LLP:13880511.1